

net contents of said cans was less than 1 quart, and for the further reason that it was food in package form, and the quantity of food in said packages was less than 1 quart, and the quantity of food so contained therein was not marked on the outside of said packages in terms of weight, measure, or numerical count.

On April 2, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$150.

E. D. BALL, *Acting Secretary of Agriculture.*

**6988. Misbranding of macaroni and spaghetti. U. S. \* \* \* v. The Savarese Macaroni Co., a corporation. Plea of guilty. Fine, \$225 and costs.** (F. & D. No. 9513. I. S. Nos. 4461-p, 4462-p, 4463-p)

On February 27, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Savarese Macaroni Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 30, 1918 (3 shipments), from the State of Maryland into the State of New York, of quantities of articles, labeled in part "A. & P. Brand Macaroni," "A. & P. Brand Elbow Macaroni," "A. & P. Brand Spaghetti," and "Net Weight 14½ ounces," which were misbranded.

Examination of samples of the articles by the Bureau of Chemistry of this department showed the following results:

	Average weight 12 packages. (ounces).	Average shortage. (ounces).	Average shortage (per cent).
Elbow macaroni.....	13.54	0.96	6.6
Macaroni.....	13.52	0.98	6.7
Spaghetti.....	13.33	1.17	8.0

Misbranding of the articles in each shipment was alleged in the information for the reason that the labels of the packages bore the statement, to wit, "Net Weight 14½ ounces," which said statement was false and misleading in that the packages did not contain 14½ ounces of the article, but contained a less amount thereof; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 14½ ounces, whereas, in fact and in truth, they contained a less amount thereof. Misbranding of the articles was alleged for the further reason that it was food in package form, and the quantity of the food contained in said package was less than 14½ ounces and the quantity of food so contained therein was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On February 27, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$225 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**6989. Adulteration of tomatoes. U. S. \* \* \* v. John W. Schall and Clifford C. Frey (Schall Packing Co.). Pleas of nolo contendere. Fine, \$105 and costs.** (F. & D. No. 9515. I. S. Nos. 2537-p, 2557-p, 3159-p.)

On May 5, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John W. Schall and Clifford C. Frey, copartners, trading under the name of the Schall Packing Co., Baltimore, Md., alleging shipment by said